

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MISHA N. GHADIRI,

Plaintiff,

ORDER

WELLMARK, INC., d/b/a Wellmark
Blue Cross Blue Shield,

20-cv-1078-wmc

Involuntary Plaintiff,

v.

THE MAIN STORE, INC., and WEST
BEND MUTUAL INSURANCE COMPANY,

Defendants.

In anticipation of a jury trial commencing June 13, 2022, the court held a final pretrial conference today, June 2, 2022, during which it made various rulings and scheduled a follow-up conference as set forth below.

IT IS ORDERED that:

- 1) Plaintiff's MIL No. 4 (dkt. #43) is DENIED.
- 2) The reserved portions of defendant's MIL No. 1 (dkt. #28) are GRANTED. Martyn's testimony about whether the pontoon boat if manufactured in 2022 would be defective or unreasonably dangerous and any testimony about whether an entire industry practice could be defective or unreasonably dangerous are excluded. The court, however, would entertain an instruction from plaintiff that an established industry practice (or lack of practice) does not relieve defendant of liability.
- 3) Defendant's MIL No. 3 (dkt. #28) is DENIED AS MOOT. Defendant, however, may object to deposition designations.
- 4) Defendant's MIL No. 5 (dkt. #28) is GRANTED. Johnson's testimony about her installation of ball guards on the pontoon boat is excluded.
- 5) The court's ruling on Defendant's MIL No. 6 (dkt. #28) is modified to allow plaintiff to refer to defendants (plural) and refer to West Bend Mutual Insurance

Company by name in her arguments, without emphasizing West Bend's status as a co-defendant.

- 6) Any deposition designations for plaintiff's rebuttal case are due on or before June 9, 2022; objections and counter-designations are due Monday, June 13, 2022, before the start of trial.
- 7) By June 9, 2022, the parties should submit any additional changes to the closing instructions, specifically any changes to the discussion of strict liability in the first paragraph of the substantive instructions.
- 8) For clarification, if the parties wish to receive jury panel information, they should email our jury clerk at jury@wiwd.uscourts.gov, requesting the information and listing the individuals who should receive it.
- 9) For clarification, the court will pick this jury first, commencing at 9:00 a.m., and will meet with the parties starting at 8:30 a.m. to address any last minute issues.
- 10) The court will continue the final pretrial conference via Zoom videoconference on June 10, 2022, at 9:30 a.m. The clerk's office will send out invitations.

Entered this 2nd day of June, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge